THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.4204 of 2002

DATED 25.09.2006

Between:
Syed Ahmed @ Saleem Shariff. .. PETITIONER

versus

The Municipal Commissioner, Visakhapatnam
Municipal Corporation, Tenneti Bhavan,
Visakhapatnam and two others. .. RESPONDENTS

WRIT PETITION NO.4204 of 2002

ORDER:

Heard the learned counsel.

2. The Writ Petition is filed for a Writ of Mandamus declaring the action of the 1st respondent in not restraining the 3rd respondent from constructing a temple along the compound wall of the petitioner's house and in violation of Municipal Laws and Rules pursuant to the petitioner's complaint dated 20.12.2001 as arbitrary and unlawful act of dereliction of duty and further direction (i) the 1st respondent to forthwith take action to stoop the construction of the said temple and (ii) 2nd respondent to provide all necessary protection to the petitioner and to the municipal workers engaged in the task and pass such other suitable orders.

3. Several factual details are narrated in the affidavit filed in support of the Writ Petition.

4. In the light of the details narrated, this Court is of the considered opinion that those aspects cannot be gone into by the Writ Court and hence, liberty is given to the petitioner to make appropriate representation to the 1st respondent within a period of four (04) weeks from today and the 1st respondent to look into the grievances of the petitioner and take appropriate action in accordance with law. Except giving this direction, no other further direction can be given in this Writ Petition.

5. The Writ Petition is disposed of accordingly. No costs.

25.09.2006

SSR